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Attorneys for Plaintiffs Moses T. and Qianyan S. Fejeran

**IN THE SUPERIOR COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

| | | |
|---------------------------------------|---|---------------------------------|
| MOSES T. FEJERAN and |) | CIVIL ACTION NO. 05-0033 |
| QIANYAN S. FEJERAN, |) | |
| |) | |
| Plaintiffs, |) | DECLARATION OF |
| |) | DAVID G. BANES |
| vs. |) | |
| |) | Judge: Alex R. Munson |
| AVIATION SERVICES (CNMI), LTD. |) | |
| d.b.a. FREEDOM AIR, |) | Date: March 15, 2007 |
| |) | Time: 1:30 p.m. |
| Defendant. |) | |

I, David G. Banes, as counsel for Plaintiffs in the above-entitled matter, do hereby affirm and certify as follows:

1. As Mr. Hasselback was busy preparing for a trial in trial before this Court, I wrote to Mr. Ledger on January 17, 2007 that we need additional discovery before Dr. Perez could complete his report. I also told him that Dr. Perez would produce a preliminary report and telling him Dr. Perez cannot complete his investigation until further discovery is done but Defendant will not allow us to conduct discovery. *See* Exhibit A.

1 2. On February 15, 2007, I received Dr. Perez report and we gave it to Defendant
2 and on February 16th, we gave Defendant Dr. Perez' C.V. *See* Exhibits B and C.
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4 3. On February 19, 2007, I gave Defendant a list of cases in which Dr. Perez had
5 testified and his compensation. I asked counsel to advise me if we have not complied with
6 Rule 26 (a). *See* Exhibit D.
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9 4. On the same day, counsel wrote back that Dr. Perez report was still not final so
10 he would proceed with the motion. *See* Exhibit E.
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13 Dated this 22nd of February, 2007.
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17 By: /s/ _____
 David G. Banes
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